## REMARKS

Presently, claims 62-71 are pending in the application. Claims 1-61 have been canceled. New claims 62-71 have been added to more particularly point out the present invention. Support for the features of new independent claim 62 may be found, for example, in original independent claim 31 (now canceled) and in Figs. 2 and 3 of the application. Accordingly, no new matter has been added by the foregoing amendments.

### *Examiner Interview*

Applicant and the undersigned thank Examiner Manning for the courtesies extended during a personal interview conducted on August 17, 2005, to discuss the present application and Office Action. During the interview, the present rejections and the cited prior art of U.S. Patent No. 6,484,317 to Wright ("Wright") and International Patent Publication No. WO 99/26415 to Bar-El ("Bar-El") were discussed. Applicant's reasons as to why the presently pending claims, including new independent claim 62, are distinguishable over the prior art were also discussed. Such reasons are detailed below.

As a result of the interview, the Examiner stated that the proposed amendments and arguments with respect to independent claim 62 were understood and appeared to be compelling, but reserved the right to review Applicant's arguments in detail upon submission of a formal response. The amendments and arguments submitted in this paper are substantively the same as the amendments and arguments discussed with the Examiner during the interview.

### *Information Disclosure Statement*

Applicant notes that the Examiner has not acknowledged the Information Disclosure Statements that were filed in the present application on August 12, 2004 and August 16, 2004. For the Examiner's convenience, copies of the forms listing the references disclosed in these Information Disclosure Statements are enclosed herewith.

Applicant respectfully requests that the Examiner forward an initialed copy of the above-identified Information Disclosure Statements, showing consideration of all the references listed therein, with the next Office Action.

### *Claim Rejection – § 103(a)*

The Examiner has rejected claims 1-61 under 30 U.S.C. §103(a) as being unpatentable over Wright in view of Bar-El. The Examiner contends that Wright teaches all aspects of Applicant's invention with the exception of presentation streams in a set carrying the same programming data but different advertisements corresponding to different market segments. The Examiner further contends that it would have been obvious to one skilled in the art to combine the teachings of Wright and Bar-El to result in Applicant's claimed invention. Applicant respectfully traverses this rejection.

Wright teaches a method for routing messages and data through a CATV system. In Wright, the headend 12 generates broadcast and data signals. The headend may include an ad insertion server to insert overlay information into the broadcast signals during distribution. Wright includes distribution hubs 14, service sites 16 and service lines 18 that link the headend to the subscribers 20. Spectrum parallel routers ("SPRs") are used to route the data, and include a switch for routing the data based on a destination address included with the data. As the Examiner acknowledges, Wright does not teach or suggest the concept of presentation streams in a set carrying the same programming data but different advertisements corresponding to different market segments.

Bar-El teaches a system that displays video having personalized content (including ads) to users based on a user profile (which may be updated based on the user's input to the system). In Bar-El, two users may view an identical program that includes information personalized to the individual user. Referring to Fig. 2 of Bar-El, in response to a user request, an object storage unit 22 receives the user profile from the user identifier 20 and outputs personal data (such set of personalized ads). In an independent operation, a video controller 24 selects a video sequence for each user in response to the user request and outputs selected video and associated parameters. For each user, all three items (the personalized data, the video stream and the associated parameters) are input to the personalization module 26. Accordingly, the personalization module(s) organize and generate personalized video sequence *after* the user has selected the video. That is, in Bar-El, insertion of the personalized data occurs after the video has been selected. The compiled and personalized video sequence is then transmitted to the associated user.

Applicant's invention teaches a switched digital video system that more effectively allows an advertiser to target specific advertisements at consumers. More specifically, presentation stream(s) already containing the advertisements targeted to a particular target market are transmitted to the subscriber. In Applicant's invention, multiple presentation streams are created from a programming channel. Each of the presentation streams includes data (e.g., content) that is identical to the data of the programming channel. However, each of the presentation streams includes different targeted advertisements directed to a particular market segment. The presentation streams are then delivered to a switching device, such that when a subscriber requests a particular channel of programming, the presentation stream corresponding to the market segment of that subscriber is switched to that subscriber for viewing. Applicant's invention is applicable to a system that has multiple programming channels.

New independent claim 62 recites:

> A method of delivering presentation streams carrying targeted advertisements to subscribers in a switched television service network environment, the method comprising:
>
> (a) defining a plurality of market segments;
>
> (b) generating a set of presentation streams corresponding to a programming channel having programming data, each of the presentation streams in the set corresponding to a different one of the plurality of market segments, each of the presentation streams in the set carrying the same programming data as the programming channel and at least one advertisement directed to the market segment to which the presentation stream corresponds, wherein the presentation streams are generated independent of a request for the programming channel by the subscribers;
>
> (c) simultaneously delivering the set of presentation streams to a switching device;
>
> (d) receiving at the switching device a first request for the programming channel from a first subscriber in a first market segment;
>
> (e) switching a first presentation stream corresponding to the first market segment from the set of presentation streams to the first subscriber;

(f) receiving at the switching device a second request for the programming channel from a second subscriber in a second market segment; and

(g) switching a second presentation stream corresponding to the second market segment from the set of presentation streams to the second subscriber.

Wright does not teach or suggest all features of Applicant's claimed invention. In addition to Wright not teaching the features noted by the Examiner, notably, the concept of presentation streams in a set carrying the same programming data but different advertisements corresponding to different market segments, Wright also does not teach or suggest the general concept of targeting advertisements to a particular market segment. That is, although Wright teaches that the headend may include an ad insertion server to overlay information into the data signals being transmitted, Wright does not teach or suggest that such overlay information is targeted advertising. The fact that Wright's system teaches data that is addressable to individual subscribers does not teach or suggest advertising that is targeted to a subscriber or group of subscribers associated with a specified market segment or category. Moreover, Wright does not even teach or suggest "defining a plurality of market segments," as recited in claim 62. Thus, Wright merely teaches that certain information could be addressed to a particular subscriber using an addressing and switching scheme. Additionally, Wright does not teach or suggest "simultaneously delivering the set of presentation streams to a switching device." Although Fig. 1 of Wright illustrates transmission and receive cables 28, 30 used to transmit and receive data from the network, such a depiction does not teach that Wright's system simultaneously delivers a set of presentation streams, as recited in claim 62. Accordingly, Wright does not teach or suggest Applicant's invention of new independent claim 62.

Bar-El does also not teach or suggest all of the features recited in claim 62. Specifically, Bar-El does not teach a system that generates a "set of presentation streams." In Bar-El, there is no teaching that the personalized data from the object storage 22 nor the video stream and parameters are created as a unit or set. Moreover, in Bar-El, there is no teaching that the all of the created presentation streams correspond to

the "plurality of market segments" that were defined. Additionally, Bar-El does not teach that the created presentation streams are delivered to a switching device "simultaneously." Furthermore, in Bar-El a presentation stream is generated only if requested by a user. Stated differently, the personalization module 2 (corresponding to video stream B) in Fig. 2 of Bar-El does not generate a presentation stream unless a request for that video stream from User 2 is received. In contrast, the invention of claim 62 generates a set of presentation streams…independent of a request for the programming channel by the subscribers." Thus, in Applicant's invention, the presentation streams are ready for transmission and/or display to a user regardless of whether or not a user has requested the corresponding programming. Accordingly, Bar-El does not teach or suggest Applicant's invention of new independent claim 62, nor does Bar-El teach or suggest the elements of claim 62 that are missing from Wright.

Furthermore, even if Wright and Bar-El were properly combinable references, such a combination would still not result in Applicant's claimed invention. That is, incorporating the teachings of Bar-El into Wright's data routing system would not teach the invention of claim 62, since such combination still does not teach the generation of a set of presentation streams that correspond to a plurality of market segments. Nor does the combination of Wright and Bar-El teach or suggest that programming streams are generated independent of a request for the programming channel. Such a combination also does not teach or suggest the simultaneous transmission of the set of presentation streams to a switching device. As such, the combination of Wright and Bar-El does not teach or suggest all of the features of new independent claim 62.

Dependent claims 63-71 are allowable at least by their dependency on independent claim 62. Claims 1-61 have been canceled. Reconsideration and withdrawal of the Examiner's rejection of claims 1-61 are respectfully requested.

## *Conclusion*

In view of the foregoing amendments and remarks, Applicant respectfully submits that the Examiner's rejections have been overcome, and that the application, including claims 62-71, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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